



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 JUL -9 PM 2: 25

In re Application of:

Charles D. Gavrilovich

Serial No.: 09/401,584

Filed: September 22, 1999

For: **MOBILE COMMUNICATION SYSTEM
WITH MOVING BASE STATION**

Examiner: Joy K. Contee

Group No.: 2681

Docket No. Gavrilovich P1US2

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date July 1, 2004, in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

July 1, 2004
Date

[Signature]
Signature
By: Charles D. Gavrilovich, Jr.

REQUEST FOR REFUND UNDER 37 CFR 1.26

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby request a refund of \$345.00, for extension fees, plus the \$25.00 surcharge incorrectly charged to my Deposit Account No. 502484 for the above-referenced patent application.

Fees in the amount of \$320.00, were incorrectly charged to my deposit account for a three month time of extension fee for a Notice of Appeal filed after an Advisory Action. As stated in MPEP 714.13, when an applicant replies within two months from the date of mailing of any final rejection setting a three month shortened statutory period for reply and the Office does not mail an advisory action until after the end of 3-month period, the period of reply for purposes of determining the amount of any extension fee will be the date on which the Office mails the advisory action. In this case, a final rejection was mailed November 12, 2003, applicant filed a response after final on January 10, 2004, an advisory action was mailed April 05, 2004 and applicant filed the Notice of Appeal on May 3, 2004. Accordingly, the \$55 submitted for the one month extension of time with the Notice of Appeal was the correct fee. A fee of 320.00 was charged to my account on May 12, 2004 indicating fee code 2253 and referencing the above-

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Application No: 0940584
Filed: 6/22/1999

PATENT MAINTENANCE
DIVISION

referenced application. Further, a \$25 service charge was charged to my deposit account on May 18, 2004. I have enclosed a copy of my monthly Statement of Deposit Account, a copy of the Notice of Appeal; and a copy of the postcard indicating the date of receipt of ~~the~~ Notice of Appeal. PM 2: 25

Applicant respectfully requests a credit of \$345.00 to Deposit Account No. 502484, which is the amount charged for the extension of time fees charged in error plus the \$25.00 service charge imposed on my Deposit Account. A duplicate copy of this request is enclosed for accounting purposes.

If a telephone conference would be useful, please contact the undersigned at the number listed below.

Respectfully submitted,

Date:

July 1, 2004

By:



Charles D. Gavrilovich, Jr.
Reg. No. 41,031

Charles D. Gavrilovich, Jr.
A Professional Corporation
985 Paseo La Cresta, Suite A
Chula Vista, CA 91910
Phone: 619 271 0382
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PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
In re Application of Charles D. Gavrilovich		
Application Number 09/401,584	Filed Sept. 22, 1999	
For MOBILE COMMUNICATION SYSTEM WITH MOVING		
Art Unit 2686	Examiner Joy K. Contee	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 55.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 502484

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ I am the attorney or agent of record. Registration Number 41,031

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 03, 2004 Date

619 271 0382 Telephone Number

Charles D. Gavrilovich, Jr. Signature

Charles D. Gavrilovich, Jr. Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 08/30/2004 EEKUBAY1
05/12/2004 LBADIE 00000003 502484 09401384
01 FC:2253 320.00 CR

05/07/2004 ABUNDIAF1 00000016 09401584

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